

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re:	)	Chapter 11
	)	
VIJAY K. TANEJA, <i>et al.</i> ,	)	Case No. 08-13293-SSM
	)	
Debtors.	)	Jointly Administered

**AMENDED ORDER AUTHORIZING THE SALE OF 4621 HOLLY AVENUE,  
FAIRFAX, VIRGINIA FREE AND CLEAR OF ALL LIENS  
AND OTHER INTERESTS AND SHORTENING NOTICE PERIOD**

Upon consideration of the Motion to Approve the Sale of 4621 Holly Avenue, Fairfax, Virginia ("Property") Free and Clear of All Liens and Other Interests and to shorten notice period ("Motion") filed by the Chapter 11 Trustee, H. Jason Gold ("Trustee"); upon consideration of all objections to the Motion and the proceedings before the Court on September 18, 2009; it appearing to the Court that the United States of America recorded a Notice of Lien for Criminal Penalties ("United States Lien") against the Property on April 10, 2009 in the amount of \$33,162,391.00; it further appearing to the Court, pursuant to the signature of counsel for the United States below, that the United States of America consents to the sale of the Property free and clear of the United States Lien, and all liens and other interests of non-federal government persons or entities; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary and for good cause shown:

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED and the notice period for this Motion is shortened to 16 days.

2. The Trustee is authorized to sell 4621 Holly Avenue, Fairfax, Virginia, more particularly described as:

**Lot 10, in subdivision known as Glen Alden, as the same is duly dedicated, platted and recorded in Liber S No. 11, Page 101 among the Land Records of Fairfax County, Virginia**

(the "Property") pursuant to the terms and conditions of the Contract<sup>1</sup>, free and clear of the United States Lien , and all liens and other interests of non-federal government persons or entities to the fullest extent permitted under 11 U.S.C. § 363(f), for the sum of not less than \$800,000.00

("Proceeds"), including but not limited to the following liens:

- a. Deed of Trust from Vijay Kumar Taneja to George L. Greco and Neil I. Title, Trustees, dated July 27, 2005, and recorded on July 28, 2005 Deed Book 17568, Page 91, securing of record Virginia Commerce in the original principal amount of \$1,200,000.00.  
in Bank
- b. Deed of Trust from Vijay Kumar Taneja to George L. Greco and Neil I. Title, Trustees, dated July 27, 2005, and recorded on July 28, 2005 Deed Book 17568, Page 117, securing of record Virginia Commerce in the original principal amount of \$775,000.00.  
in Bank
- c. Deed of Trust from Vijay Kumar Taneja to George L. Greco and Neil I. Title, Trustees, dated July 27, 2005, and recorded on July 28, 2005 Deed Book 17568, Page 143, securing of record Virginia Commerce in the original principal amount of \$775,000.00.  
in Bank
- d. Memorandum of Mechanic's Lien Claimed by Subcontractor dated July 14, 2008 and recorded on July 17, 2008 in Deed Book 20030, Page 692 from GHA, Inc. in the claimed amount of \$4,382.84.
- e. Memorandum of Mechanic's Lien Claimed by Subcontractor dated July 14, 2008 and recorded on July 17, 2008 in Deed Book 20030, Page 701 from GHA, Inc. in the claimed amount of \$32,404.31.
- f. United States Attorney U.S. Department of Justice Eastern District of Virginia Notice of Lien for Criminal Penalties dated April 2009, and recorded on April 10, 2009 as Judgment No. 457053 against Vijay Taneja in favor of the United States of America for a total penalty of \$33,162,391.00, plus interest and costs.  
K.

---

<sup>1</sup> Unless otherwise defined, capitalized terms shall have the meanings ascribed to them in the Motion.

3. The Trustee is authorized to pay Weichert Realtors a commission of five percent (5%) of the Proceeds at closing.

4. The Trustee shall place \$40,465.86, equivalent to 110% of the total amount of mechanics' liens filed by GHA, in escrow ("Escrow") pending a final determination of the validity and priority of these mechanics' liens against the Property. Funds placed in the Escrow shall not be paid until either (a) Virginia Commerce Bank consents to payment of a particular lien, or (b) this Court or another court of competent jurisdiction orders payment from the Escrow following a determination of the validity and priority of a particular lien.

5. The Trustee is authorized to pay from the Proceeds customary closing costs pursuant to the Contract.

6. The Trustee is authorized to pay the remaining Proceeds (following the payment of the commission, customary closing costs and funding of the Escrow) to VCB in full and final satisfaction of its lien against the Property.

7. The Trustee is authorized to take all necessary and reasonable actions to consummate the sale.

8. The Court finds that the Purchasers are good faith purchasers entitled to the protections of 11 U.S.C. § 363(m).

9. The Court shall retain jurisdiction over all matters arising from or related to the interpretation or implementation of this Order.

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
Stephen S. Mitchell  
United States Bankruptcy Judge

PREPARED BY:

WILEY REIN LLP  
7925 Jones Branch Drive, Suite 6200  
McLean, Virginia 22102  
(703) 905-2800

By: /s/ Rebecca L. Saitta  
H. Jason Gold, Va. Bar No. 19117  
Valerie P. Morrison, Va. Bar No. 24565  
Rebecca L. Saitta, Va. Bar No. 65408

Counsel to the Chapter 11 Trustee

SEEN AND AGREED:

Robert K. Coulter  
Assistant U.S. Attorney  
Justin W. Williams U.S. Attorney's Building  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
(703) 299-3745

By: /s/ Robert K. Coulter  
Robert K. Coulter, Va. Bar No. 42512

Counsel for the United States of America

CERTIFICATE PURSUANT TO LOCAL BANKRUPTCY RULE 9022-1(C)

I hereby certify that on this 20<sup>th</sup> day of October, 2009, a copy of the foregoing proposed Order was served on:

Lawrence E. Rifken  
McGUIRE WOODS LLP  
1750 Tysons Boulevard, Suite 1800  
McLean VA 22102-4215

Frank J. Bove  
Office of the United States Trustee  
115 South Union Street, Suite 210  
Alexandria, VA 22314

Brian F. Kenney  
MILES & STOCKBRIDGE P.C.  
1751 Pinnacle Drive, Suite 500  
McLean, Virginia 22102

Timothy J. McGary  
Attorney at Law  
10500 Sager Avenue, Suite G  
Fairfax, VA 22030-2414

Kevin R. McCarthy, Chapter 7 Trustee for GHA, Inc.  
1751 Pinnacle Drive, Suite 1115  
McLean, Virginia 22102

GHA, Inc.  
Mohammad Ali Gharai, Debtor Designee  
P.O. Box 9800  
McLean, Virginia 22102

Robert K. Coulter  
Assistant U.S. Attorney  
Justin W. Williams U.S. Attorney's Building  
2100 Jamieson Avenue  
Alexandria, Virginia 22314

Ms. Ann DiMiero and Mr. Marshall Vosteen  
4222 Upper Park Drive  
Fairfax, Virginia 22030

/s/ Rebecca L. Saitta  
Rebecca L. Saitta

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY  
PURSUANT TO LOCAL RULE 9022-1

H. Jason Gold  
WILEY REIN LLP  
7925 Jones Branch Drive, Suite 6200  
McLean, Virginia 22102

Brian F. Kenney  
MILES & STOCKBRIDGE P.C.  
1751 Pinnacle Drive, Suite 500  
McLean, Virginia 22102

Lawrence E. Rifken  
McGUIRE WOODS LLP  
1750 Tysons Boulevard, Suite 1800  
McLean VA 22102-4215

Frank J. Bove  
Office of the United States Trustee  
115 South Union Street, Suite 210  
Alexandria, VA 22314

Robert M. Marino  
Redmon Peyton & Braswell, LLP  
510 King Street, Suite 301  
Alexandria, VA 22314-3143

Robert R. Leinwand, Esquire  
Robert M. Sasloff, Esquire  
Robinson Brog Leinwand Greene  
Genovese & Gluck P.C.  
1345 Avenue of the Americas  
New York, NY 10105

Timothy J. McGary  
Attorney at Law  
10500 Sager Avenue, Suite G  
Fairfax, VA 22030-2414

Kevin R. McCarthy, Chapter 7 Trustee for GHA, Inc.  
1751 Pinnacle Drive, Suite 1115  
McLean, Virginia 22102

GHA, Inc.  
Mohammad Ali Gharai, Debtor Designee  
P.O. Box 9800  
McLean, Virginia 22102

Ms. Ann DiMiero and Mr. Marshall Vosteen  
4222 Upper Park Drive  
Fairfax, Virginia 22030

Robert K. Coulter  
Assistant U.S. Attorney  
Justin W. Williams U.S. Attorney's Building  
2100 Jamieson Avenue  
Alexandria, Virginia 22314